

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 31, 2001

DIVISION ONE

B142152 People (Not for Publication)
v.
Valdez et al.

The judgments are affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B140261 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Paul H.

The adjudication order is reversed insofar as it finds the first count of the petition, alleging that Alejandra comes within Welfare and Institutions Code section 300, subdivision (d), to be true. The matter is remanded for further proceedings consistent with the views expressed in this opinion.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

DIVISION ONE (Continued)

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

DIVISION ONE (Continued)

B136777 Vanwinkle et al. (Not for Publication)
 v.
 City of Long Beach et al.

The order of dismissal is reversed with respect to the cause of action for battery and is vacated as to the remaining causes of action. Plaintiffs are entitled to costs on appeal.

Mallano, J.

I concur: Spencer, P.J.
I concur in judgment only: Vogel (Miriam A.), J.

B146416 Labow
 v.
 Davis

The Court:
Appellant has failed to demonstrate that the litigation has merit, appeal (notice of appeal filed November 22, 2000) dismissed.

DIVISION TWO

B137534 People (Not for Publication)
 v.
 Hernandez

The enhancement is vacated and the case remanded for proceedings on the issue of defendant's prior convictions (including those dismissed by the prosecution in exchange for defendant's agreement to admit the conviction) and for re-sentencing. In all other respects, the judgment is affirmed.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

January 31, 2001-Continued

DIVISION TWO (Continued)

B133532 People (Not for Publication)
v.
Abramson

The judgment is affirmed.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

B138217 People (Not for Publication)
v.
Rosbell

The judgment is affirmed.

Todd, J.

We concur: Boren, P.J.
 Cooper, J.

B141411 People (Not for Publication)
v.
Anthony H.

The matter is remanded to the juvenile court for calculation of minor's maximum period of confinement in conformity with the requirements of section 762. In all other respects the order of wardship is affirmed.

Todd, J.

We concur: Boren, P.J.
 Nott, J.

January 31, 2001-Continued

DIVISION FOUR

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Lewin, J. (Assigned)

B140389 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Sybil L.

The juvenile court's order of February 8, 2000, is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

January 31, 2001-Continued

DIVISION FOUR (Continued)

B142758 People v. Rost (Not for Publication)

For the foregoing reasons, the judgment is reversed and the matter remanded for retrial.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B141498 People (Not for Publication)
v.
Kelly

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B141103 People (Not for Publication)
v.
Samuel L.

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B146747 Francisco M. (Certified for Publication)

v.

Superior Court, Los Angeles County
(The People, r.p.i.)

The petitions are denied in so far as they seek the petitioners' immediate release. The matters are remanded to the trial court, which is directed to conduct hearings, forthwith, as to both petitioners. The hearings must address the question whether to continue petitioner's detention in lieu of security to and including the time necessary for them to testify at trial, and to make this determination in accordance with the views expressed in this opinion.

Willhite, J. (Assigned)

We concur: Armstrong, Acting P.J.
 Godoy Perez, J.

DIVISION SIX

B143010 People (Not for Publication)

v.

Keister

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

January 31, 2001-Continued

DIVISION SIX (Continued)

B142819 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B137144 People (Not for Publication)
v.
Martinez et al.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B137586 Goldsmith (Not for Publication)
v.
Gomberg

The judgment is affirmed. Costs are awarded to respondents.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (Continued)

B137084 Tognazzini (Certified for Publication)
 v.
 San Luis Coastal Unified School District

The judgment is affirmed. Costs are awarded to District.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B142888 People (Not for Publication)
 v.
 Garcia

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B123297 People (Not for Publication)
 v.
 Dally

The true finding on the lying-in-wait special circumstance is reversed. The superior court is directed to modify the abstract of judgment accordingly and forward a copy to the Department of Corrections. The judgment is otherwise affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

January 31, 2001-Continued

DIVISION SIX (Continued)

B137570 Leko (Certified for Publication)
v.
Cornerstone Home Inspection

The order granting judgment on the pleadings in favor of cross-defendant Cornerstone and the order granting summary judgment in favor of cross-defendants Crystal and D-Way are reversed. The sanctions order entered against attorney Pyfrom is affirmed. Costs on appeal are awarded to Realtors. Costs associated with the cross-appeal challenging the award of sanctions shall be borne by Gregory C. Pyfrom personally.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

DIVISION SEVEN

B137372 People (Not for Publication)
v.
Ponce

The judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B131646 People
v.
Graves

Filed order denying petition for rehearing.

DIVISION SEVEN (Continued)

B142893 Lucas

v.

Volpe

B145862 Lucas

v.

Volpe

Filed order consolidating above captioned appeals.